

*UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS*

*CIVIL ACTION  
NO.04-10994NMG*

*PARENTS OF DANIELLE  
Plaintiffs,  
v.*

*MASSACHUSETTS DEPARTMENT OF  
EDUCATION, DAVID P. DRISCOLL, COMMISSIONER; And  
SCHOOL COMMITTEE FOR THE TOWN OF SHARON: SAM LIAO, ANDREW  
NEGENAZHL, DONALD GILLIGAN, JANE FURR, MITCH  
BLAUSTEIN AND SUAZANNE PEYTON*

*Defendants.*

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*AFFIDAVIT OF PLAINTIFF'S COUNSEL IN SUPPORT OF THEIR  
MOTION TO EXTEND TIME TO FILE NOTICE OF APPEAL AND TO PERMIT FILING OF  
NOTICE OF APPEAL, AND FOR LATE FILING OF REQUIRED FEE*

I, Alanna G. Cline, do state and depose as follows:

1. I am an adult, licensed to practice law in the Commonwealth of Massachusetts since 1974, and admitted to practice before this court. I represent the Parents of Danielle in this matter.
2. Based on information, I was engaged as successor counsel due to prior counsel experiencing personal family medical issues and family care responsibilities.
3. My timely activity in this case has been repeatedly compromised by the unpredictable but repeating need to provide personal care to my elderly, disabled mother (now 85 years old). Over recent months, I have again experienced personal responsibilities for her care, competing with my professional undertakings. I have been enabled to meet professional obligations due only to the gracious understanding of opposing counsel, clients, and

- courts, alike; and must ask for such indulgence, again.
4. Although I have repeatedly arranged around-the-clock nursing care for my mother at her home, in mid-April, one nursing aide unexpectedly quit, and then, another shortened her schedule due to her own medical issues. So, it was again necessary that I directly care for my mother until restaffing, which is just being completed.
  5. As a result, I was unable to consider the issue of appeal in a timely fashion with my clients, and was unable to proceed in such regard in a timely fashion.
  6. These circumstances are non-dilatory to the Plaintiffs, themselves.
  7. Prior to filing this motion, within the last two weeks or so, I have spoken directly with Atty. Barry Mintzer (representing the Defendant School) in an effort to explore at least partial resolution, to possibly avert the need of appeal, with two follow-up telephone messages left for him in follow-up (the second follow-up message being left today, with a request to know if Atty. Mintzer opposes the requested extension). I also certify that today, I also attempted to reach Atty. Amy Spector (representing the Defendant Massachusetts Department of Education), and left word requesting to know whether on behalf of her client, she opposes the requested extension.
  8. I further certify serving both this affidavit and the subject motion upon all counsel of records by electronic means.

For the foregoing reasons, this court's indulgence is requested under Fed. R. Civ. Pro. R. 4(b)(4), as well as under Fed. R. App. P. 4 (a) (5) (B) & (C)..

Signed under the pains and penalties of perjury this June 6, 2006.

/s/ Alanna G. Cline

Alanna G. Cline, Atty.  
300 Market St.

Brighton, MA 02135  
BBO 086860  
617 783 5997

June 6, 2006